

ESTTA Tracking number: **ESTTA413773**

Filing date: **06/10/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	R&R Games, Inc.		
Entity	Corporation	Citizenship	Florida
Address	P.O Box 130195 Tampa, FL 33681 UNITED STATES		

Attorney information	Robert C. Kain, Jr. Kain & Associates, Attorneys at Law, P.A. 900 S.E. Third Ave. Suite 205 Fort Lauderdale, FL 33316 UNITED STATES ekotler@complexip.com, rkain@complexip.com, dspielman@complexip.com
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Applicant Information

Application No	85137507	Publication date	05/24/2011
Opposition Filing Date	06/10/2011	Opposition Period Ends	06/23/2011
Applicant	Hodgeman, John D. One South Ocean Blvd. Boca Raton, FL 33432 UNITED STATES		

Goods/Services Affected by Opposition


Class 028. All goods and services in the class are opposed, namely: paper game pieces for playing parlor games

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	85251432	Application Date	02/25/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	PIGSKIN		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: Computer game software for use on mobile and cellular phones; Downloadable computer game software via a global computer network and wireless devices Class 028. First use: Board games

Attachments	85251432#TMSN.jpeg (1 page)(bytes) plead-Not-Opposition-v1-ss.pdf (4 pages)(15534 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Signature	/rck/
Name	Robert C. Kain, Jr.
Date	06/10/2011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of trademark application Serial No. 85/137,507
Published for opposition in the Official Gazette of May 24, 2011
Mark: PAPER PIGSKINS

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R&R Games, Inc.)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
John D. Hodgeman)	
Applicant.)	
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NOTICE OF OPPOSITION

R&R Games, Inc., (herein "R&R") a Florida corporation, having a business address at P.O. Box 130195, Tampa, Florida 33681, believes it will be damaged and hereby opposes the registration of said trademark. The grounds for opposition are as follows:

1. Applicant, John D. Hodgeman ("Hodgeman"), seeks to register PAPER PIGSKINS as an intent to use (§1(b)) trademark with respect to "paper game pieces for playing parlor games" in Class 28.
2. Hodgeman filed for the intent to use (§1(b)) U.S. trademark on September 24, 2010.
3. Opposer, R&R has also filed a trademark application for the mark PIGSKIN (Serial No. 85251432) on February 25, 2011 for "computer game software for use on mobile and cellular phones; downloadable computer game software via a global computer network and wireless devices" in Class 09 and "board games" in Class 28.

4. R&R has been in the game business since at least 1996. See www.RnRGames.com. R&R Games develops and produces many award winning games as noted in its online product catalog.
5. R&R has spent significant money and time to prepare for the launch of its new game, PIGSKIN. R&R's efforts include preparations for a significant marketing campaign, game development costs, the printing and manufacturing of game product materials. The marketing campaign included a preview of R&R's PIGSKIN game at the New York Toy Fair in 2011.
6. The proposed goods of Hodgeman and the goods of R&R are identical and/or substantially similar and related.
7. Hodgeman's PAPER PIGSKINS Mark, as applied to the goods set forth in the application herein opposed, so resembles R&R's PIGSKIN Mark as applied to its goods that it is likely to cause confusion, mistake and/or deception, in the relevant trade and with consumers.
8. Upon information and belief, Hodgeman does not have the requisite bona fide intent to use his mark in commerce at the time of filing his application. Upon information and belief, Hodgeman as an individual has no relevant experience, training, or business connections of record, yet is claiming to have a bona fide intention to use the mark. Upon information and belief, Hodgeman does not have the capacity to conduct a genuine commercial enterprise involving the manufacture and/or distribution of games. Upon information and belief, Hodgeman does not have plans for how he might proceed with such a business. See Boston Red Sox Baseball Club Ltd. Ptr. v. Sherman, 2008 TTAB Lexis 67, Case No. 91172268 (TTAB 2008).

9. If Hodgeman is permitted to register the PAPER PIGSKINS Mark for the goods set forth in the application, confusion of the trade and public is likely to result, such confusion resulting in damage and injury to R&R.

10. Purchasers and potential purchasers, on seeing Hodgeman's PAPER PIGSKINS Mark used in connection with its goods are likely to believe, in error, that such goods are offered in association or affiliation with or under license from R&R.

8. If Hodgeman is permitted to register its mark for the goods set forth in the application herein opposed, confusion of the relevant trade and public resulting in damage and injury to R&R would be likely to result. Any persons familiar with the goods of R&R would be likely to assume that Hodgeman's goods are sponsored by or produced under license from or otherwise affiliated with R&R. Furthermore, any objection to or fault found with Hodgeman's goods provided under its mark would necessarily reflect on and seriously injure the reputation that R&R has established for its goods sold and services offered under its PIGSKIN Mark.

9. If Hodgeman were granted a registration for the mark herein opposed, it would obtain thereby at least a prima facie exclusive right to use the mark. Such registration would be a source of damage and injury to R&R.

WHEREFORE, R&R requests that registration of the mark of application No. 85/137,507 be refused and that this opposition be sustained.

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Please charge Deposit Account No. 03-1231 for the filing fee of \$300.00 and any additional fees or deficiencies deemed to be due and owing in connection with this opposition may be charged to Deposit Account No. 03-1231 and any overpayment may be credited thereto.

Dated: June 10, 2011

Respectfully submitted,

Fort Lauderdale, Florida

By: /Robert Kain/

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